

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SFR SERVICES L.L.C.,

Plaintiff,

v.

Case No. 2:21-cv-82-SPC-NPM

NATIONAL SPECIALTY INSURANCE
COMPANY,

Defendant.

REPORT AND RECOMMENDATION

This matter is before the Court on review of the case file. On April 22, 2021, the Court held a Preliminary Pretrial Conference during which the Court required Plaintiff to file an interested person disclosure within two weeks. (Doc. 13). And as provided in the Civil Action Order (Doc. 5), this disclosure was to be filed immediately upon a party's first appearance. Plaintiff failed to comply with these two orders. On May 10, 2021, the Court ordered Plaintiff to either show cause why this action should not be dismissed for lack of prosecution or file its interested person disclosure by May 17, 2021. (Doc. 15). Plaintiff again failed to comply with the Court's orders. Accordingly, the Court recommends this case be dismissed for lack of prosecution due to Plaintiff's failure to respond to the most recent show cause order. *See* M.D. Fla. R. 3.10; *Chinweze v. Bank of Am., N.A.*, 782 F. App'x 972, 977

(11th Cir. 2019) (finding district court did not abuse its discretion in dismissing case without prejudice when plaintiff “failed to diligently prosecute his claims ... and then failed to timely respond to an order to show cause why his claims should not be dismissed for failure to prosecute”).

Reported in Fort Myers, Florida on May 19, 2021.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation’s factual findings and legal conclusions. A party’s failure to file written objections waives that party’s right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1. **To expedite resolution, parties may file a joint notice waiving the 14-day objection period.**